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An ACCOUNT of the  
NEW SHERIFFS,  
HOLDING THEIR  
OFFICE.

*Made Publick, upon Reason of CONSCIENCE,*

Respecting Themselves and Others, in regard to the

ACT for C O R P O R A T I O N S.

*Magnam rem puta, unum hominem agere.* Sen.

Whereas it hath pleased God to call forth two worthy Citizens, by an uncommon Election, to be Sheriffs of *London* for the Year ensuing; of which Honour they could have little reason, unless for the *erving their Generation onely*, to be desirous: There are some Friends of *Theirs*, and of their *Countrey*, do think fit, upon consultation, to make this Resolution publick, concerning the *Corporation Oath*, and the *Renunciation of the Covenant*, (which to morrow, the 28th of *September*, are to be administred) that no man may be *offended by them* at present, or *offended in them* for the time to come; Provided onely their own Consciences, both, be first clear, according to this Paper following, in what they do.

The Oath, we suppose, must be taken in the sense or meaning of the *major* part of both Houses that passed the \*Act. The *Law* is the *Will* of the *Lawgiver*, and the Lawgiver's *Meaning* is his *Will*. The Majority of Parliament was the Lawgiver, and we conceive these Sheriffs believe their meaning to be as followeth: Only we must premise thus much, That we take not upon us (as no man may) to put a meaning upon the Oath of *our own*, which we know must be taken only in *theirs* that passed it, or to determine and say, *This is the Meaning*, but to say, *We believe* this to be their Meaning; which is necessary to every one that takes it, to determine for himself, that he may act in Faith in what he does.

We must add, That when we say the Parliament is the Lawgiver, we understand by the Parliament, the King, Lords and Commons; and consequently, that the sense of the Law, (and so of this Oath) must be always that sense wherein the *House of Lords* did concur with the *House of Commons*, and the King with both. If there be any sense therefore of an Imposition which may be supposed to be the meaning of the King, and not of the *Houses*; or of *one* of the Houses, and not the *other*; or of a *lesser* part of *either* House, and not the *majority* of *both*, that sense must be still lookt on as too narrow, and ought not to scruple the Conscience, the true sense obliging the *Subject*, being the *concurrent* sense of the King, Lords and Commons, who as assembled jointly to this end of Legislation, not *one* without the *other*, but all *three* together, as *One Corporation* (and no other-wise) are the *Lawgiver*.

Neither is this sense to be collected from the first floating apprehensions of any one that moves



a matter in the House, but from the digested thoughts of both Houses, after a mature debate, and the thing hath thrice passed in them both, so that no sense of any Imposition but that which is agreeable to Reason, and more especially to the fundamental Laws of the Constitution, must be received as the Meaning of a Parliament, the Reason being, because the nature of the *Constitution* is such, as it cannot be infringed by an Act or Law for the *Administration*; which is a Note to be laid in here, that by-and-by will be needful. Thus much therefore farther, and no less being premised, we proceed.

By *taking Arms*, Let us then suppose the Sheriffs believe the Parliament meant the raising an

\* The only objections here which are of weight, may be reduced to two Cases. One is the Case of *Private* violence, as suppose a Prince should go to ravish a Virgin, and she catches up the next Weapon or Instrument to defend herself. In this Case, or the like, we answer, this Defence is not to be accounted *taking Arms* in the sense of this Act. The other is a Case of *Publick* violence, as suppose a Prince should go about to alienate his Kingdom, or ruine his Countrey, or the like. We answer, we are not for all that to return violence upon his Person; and as for his Officers, Followers, or Armies, the solution must be attended in the next Clause of the Oath

Army, or War; and by the King, the King's own Sacred Person: And we can see no \* Objection which may not be answered from this Little, in the first Clause of the Oath. *I A. B. do swear, That I hold it unlawful to take Arms against the King, (or His Rightful Government) upon any Pretence whatsoever.*

If *David's* heart smote him for cutting off but *Saul's Skirt*, when he was actually in Arms to defend himself against *Saul's Forces*, onely because he was the *Lord's Anointed*. It is not in this first Clause, (any one may conjecture) but in the ensuing, where the chief Scruples against the Oath are to be removed.

In the second Clause, By *those Commissionated by Him*, these Gentlemen believe the Parliament meant, and could mean, no other than such as have a due Authority from Him, and exercise it onely according to Law: And so long as the *King's Authority* and *such Commissions* are one, (or the same,) we can see no more difficulty remaining in the second Clause, than in the former: *And I do abhor* (that is, disown or disclaim) *that Tray-*

*terous Position, of taking Arms by His Authority against His Person, or against any Commissionated by Him in the pursuit of such Commissions:* That is, *Legally Commissionated by Him, in the Legal pursuit of such Commissions.*

It is not to be imagined that the Parliament, when they passed this Act, (that is, the *major* part of them) should design the setting up an Arbitrary Government in the Nation: But if the meaning of *those Commissionated by Him*, be otherwise than thus, they must design it. An *Arbitrary Power*, as soon as they passed this Clause in any Act, must be accounted to *Commence*. A thing most absurd to be believed, and in the contrary belief whereof, we thank God, that both these Sheriffs can take the Oath.

In the third Clause, we distinguish an *Endeavor* to change or reform any thing in Church or State, which we think conducive to the good of the Nation in a Parliamentary way onely, as is allowed by the fundamental Law and Course of the Realm, from an *Endeavor* in any other way that is not warranted by the same, to wit, in a seditious way, or in such a manner *as they did in the late Times*, when they endeavored the Extirpation of Prelacy by force *against*, and *without* the King's consent in Parliament, (which may be believed to be the assured sense of the majority in

\* That the meaning of the Parliament in this Oath and Declaration was, that we should declare it to be unlawful for us to do that *now*, which they did then (or as of late hath been practised, to use the words of the Militia Act,) we are out of doubt; but whether in the peculiar case of those times there was any thing might be lawful, or any way justifiable to be done then (when the King and Houses (the One Corporation) were divided, and he had passed an Act not to dissolve them without their consent, which is a case never like to happen any more, and so no danger to put it) which *now* is certainly unlawful, is a question we have nothing to do with, and interpose nothing to offend any.

the Houses, when they passed this Act) and so long as to do so \* *now*, may be acknowledged (as assuredly) to be unlawful, and what ought to be disclaimed, the offence must be over in the last part of the Oath also: *And that I will not endeavor any Alteration of Government either in Church or State;* to wit, in any manner not warranted by the Constitution of the Land, or any otherwise, than by Act of Parliament.

We confirm this Exposition with one clear Reason. The great thing intended by this Oath, is the preservation of the Government in the fundamental Constitution against all Alteration. But the Constitution of our Government being such in the foundation, that whatsoever is needful or convenient to be altered, it may be proposed to that end in Parliament: to take away that liberty which is universally radicated in the whole Nation in order thereunto, were a piece of the greatest Alteration that could be, and consequently never to be understood as intended by the Lawgiver.

As for the *Solemn League and Covenant*, it is an Oath these Sheriffs never took; so that they can safely say, there lies no obligation upon them at all from it; And as for others that did, we humbly conceive that being taken



taken in its *Complex Consideration*, as it was pressed and used at that time, for the engagement of People to the extirpation of the Bishops, and change of Church-Government without the King, against His Consent, and Publick Declarations, and by Force, it must needs be *Unlawful*, and could not bind any body *to do so*: and consequently we trust, that these Gentlemen shall not offend God, or any good Men, if they farther subscribe this Declaration which is also imposed. I A. B. *do declare, That I hold there lies no Obligation on me, or on any other Person, from the Oath commonly called, The Solemn League and Covenant, to endeavor any Change or Alteration of Government either in Church or State; And that the same was in itself an unlawful Oath, and imposed on the Subjects of this Realm, against the known Laws and Liberties of the Kingdom.*

By some of which last words it appears, that this Oath was framed for the *Subjects of the Realm*, ( we say, that this Oath was, in the meaning of the Imposers of this Declaration, *the Subjects Oath*, and consequently by the words, *or any other Person*, they must mean, *or any other Subject*: ) which appears also manifestly in the Preamble of that League, *We, such and such under the King*. There is one part of it moreover express for the preservation of the King; we do suppose therefore, that though an Oath to the same main effect, or one like it, was imposed on *this King* by the *Scots*, that Oath must be conceived another than this, and not the very same, being not so in every point, but an *Oath* indeed ( as they call'd it ) *to confirm the Covenant*, when He offer'd this very Exception against taking the Covenant itself, because it was an Oath for the Subjects onely. And this being enough to save the Conscience in *one chief* Scruple, ( and chiefest one, ) we will gather up again what is said before into one Argument ( which we fix upon ) for a fuller satisfaction in regard to *all others*. To own the King and his Authority in the same Oath, and yet to swear to change the Government *without* His Will and *against* it, is ( we think ) *in itself unlawful*. Such an Oath was the Covenant; and, *Quia* unlawful, it must be unobligatory.

And what indeed shall now hinder these Sheriffs to subscribe, That there lies no obligation upon them, or others, from the Covenant, *to endeavor any Alteration of Government* in that sense as they swear before that they *will not endeavor any*, in the third Clause of the Oath preceding? For so long as the meaning of the Lawgiver is no other than *That* which is made to appear there, upon the account given, and the *Endeavor* which is here, and which is there, is the same out of doubt, we do not see but the Reason which does satisfy any Man upon the Point about taking the Oath, must be sufficient for the *Declaration* also.

In the Sacred Story concerning *Rahab* and the *Spies*, it appears that no body can be engaged any farther by an Oath, than what he agrees or consents to in the taking it. Where he declares before-hand he will not be bound, he is free. We cannot tell how much *larger*, or how much *narrower a compass* others may draw to themselves from that *Instance*, than we; but this we will say, That upon the supposal of either of these Sheriffs making a Declaration for himself (if this Paper will not serve) when he takes the Oath, and subscribes the Declaration enjoined, that he does it in this Meaning, which we have all along expressed, supposing it true, (and with these explanatory limitations to the *Meaning*, if indeed in any thing it be otherwise,) we do apprehend that his Conscience may receive satisfaction thereby in its compliance with the *Law* in these *Impositions*, which he cannot refuse, without the refusal also of his *Duty*; especially when it is so much expected from him by his *Friends*, and unto which he has so loud a Call by the *City*.

After this, there is an Act of Parliament, intituled, *An Act for preserving His Majesty*, ( *An. 13. Car. 2. Regis c. 1.* ) wherein this Covenant is declared peremptorily to be *unlawful* and *null*, that does give *one* of these Sheriffs a *peculiar* satisfaction. We argue from thence thus for him: As we find in the Law of *Moses*, when a Wife or a Daughter made a Vow, if the Husband or the Father disallowed it, that Vow was \* *rescinded*. So does he apprehend the very same Reason to be here in regard to this League or Covenant: For the subject being ( *quoad hoc* ) not *sui juris*, but under the power of the Prince, and much more under the most supreme and absolute Authority of Parliament, and the late King declaring still against this Oath at the very time, and a Parliament, since the return of this King, as soon as it could be done, having passed an Act on purpose for disannulling the same, he sees no difference between the Cases, but that the obligation of this *League*, as well as of those *Vows*, must give place to such Authority over-ruling it: And more especially ( we must add ) because the Alteration of Government ( the sole matter in concern ) does belong to the cognizance of the Higher Powers, ( we mean a Parliament ) and is not the business of any private person, unless in order to procuring *their* Consent and Establishment.

\* We lay down this Rule here, that if any man makes a Vow to God, which he cannot perform without the consent of another, who is his Superior, ( and much more if through him it must be done, ) if that *Other* Reclaims the thing as soon as he hears of it, the Authority of God by the equity of this Law given by *Moses*, does ( as we suppose ) dissolve the Obligation, though else it could not be dissolved by the Authority of a Superior onely.

If this reasoning now which does satisfy him, be unsatisfactory to another person, let us but warn such a man that he does nothing after his *Example*, unless he be satisf'd with his, or our *Reasons*,



*Reasons*, and we care not. If our Arguments satisfy any man, and he follows these Sheriffs, we edify him; if they do not, and he follows his own judgment, we do him *no hurt*. It is a man's own Conscience is the Discerner to him of his Duty, and he is not to regard another Man's, any farther than to avoid Active Scandal.

We do not mean it, as if every man therefore should *lean onely to his own understanding*, but rather take *advice*, and that which is the most *serious* and *proper* he can get. For our parts, we have no more to offer, or to say, but that we are particularly beholding for this which is said, to a late Book, intituled, *A Peaceable Resolution of Conscience touching our present Impositions*. In which Book the Readers (that please) will find the Rule by which we are to walk under such Injunctions of our Superiors as these, to be such, or so set out, as that according to the persuasion of a man's mind about the same, both he that *Conforms* to them, and he that *Cannot*, may see reason to retain a fair opinion of one another, and to hope that neither of them depart from a good Conscience in what they do.

This is the Moderation we desire our selves, and these Sheriffs to follow, In our Loyalty to our Sovereign, In our Love to our Countrey, and In our Religion to God.

The Reasons for Printing this Paper are these.

1. To take the Oath, and subscribe the Declaration in the literal strict Construction, appears, in our judgment, unlawful; and consequently, unless by some means or other the sense be made publick in which a man does take them, (and that sense also be justified, or at least be justifiable) he must forbear.

2. The *Declaration* is against the Consciences of the *Nonconformists* in general, insomuch as some men who took the *Oath*, cannot subscribe the *Declaration*; and for these Sheriffs therefore to do it now, and not declare their Reasons of Satisfaction, were to sin against *the Brethren* if they own them, or to disclaim them.

3. By doing this, They shall give occasion to others to follow their example, and if they present them not their Grounds or Reasons, Those that follow shall do it without the same Reasons, and *through their knowledge shall such perish*. But when ye sin so against *the Brethren*, and wound *their weak Consciences*, ye sin against *Christ*.

4. The Episcopal Party are generally apt to think the *Nonconformists* to be Hypocrites and Knaves, and say, *These men* refuse these Injunctions out of *humor*, or for their *profit*, but they will swallow them as well as *we* for *Honour*, or for *Advantage*, witness *this Action* of these Sheriffs: If these two confederate Men should not therefore give us some rational Account of what they do, (or some others for them,) they must not only wrong themselves, but the whole generation of such Men, and cause *the Name of God* (in regard to them) *to be blasphemed*.

5. As Providence hath called these Persons to the Office, so hath it opened the door for them to hold the same, upon the satisfaction which is couched in this Paper; and if it be of great Concern at this time that such Men do hold Sheriffs, who are willing to deny their *own Advantage*, (not seek it) for the sake of the *Publick*: It is yet of greater concern that by the publishing their satisfaction, (with the grounds of it) Many in distress about the *Oxford Act*, may be relieved, and a way opened for Many of the like substantial Citizens of known Piety, Loyalty and Ability, to be brought into Corporations, throughout the Nation, to the great service of the King and Kingdom.

F I N I S.